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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/097,383	06/16/1998	KARE CHRISTIANSEN	PM254781	2876
909	7590	01/16/2004	EXAMINER	
PILLSBURY WINTHROP, LLP			SHAY, DAVID M	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

3739

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 9/30/2003 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-3, 8, 10-15, 18, & 22-25 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 4-7, 9, 16, 17, & 19-21, & 26-28 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-3, 8, 10-15, 18, & 22-25 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eckhouse.

See figures 1-3 and 15-18 and column 5, line 9 to column 11, line 42.

Claims 1-3, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhouse in combination with Gustafsson. Eckhouse teaches a device as claimed except for the specific recitation of the flow path. Gustafsson teaches a xenon lamp using circulating water to cool flash tubes and an optical fiber applicator with a convex tip. It would have been obvious to the artisan of ordinary skill to employ the lamp and cooling system; of Gustafsson in the device of Eckhouse, since Eckhouse gives no particular coolant system design, and since the cooling system of Gustafsson makes the lamp much more effective (see column 2, line 62 to column 3, line 6), thus producing a device such as claimed.

Claims 10-15, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhouse in combination with Gustafsson as applied to claims 1, 3, 22, and 23 are above, and further in view of Anderson et al and Optoelectronics. Optoelectronics teaches the use of power supplies that use simmers circuits and apply square pulses to the flash tube. Anderson et al teach the use of square wave pulses and a convex applicator tip. It would have been obvious to the artisan of ordinary skill to employ an applicator tip as taught by Anderson et al since this allows

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treatment of a larger area, as taught by Anderson et al; to employ the square wave light pulses therein, since this allows a more uniform optical field; to apply a simmer circuit and a power supply to produce square pulses, since these will aid in the production of flat topped optical pulses, which is desirable as taught by Anderson et al; and to provide a concave or parallelepiped shape at the light guide distal end, since these are equivalent to the convex tip and provide no unexpected result,. thus producing a device such as claimed.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhouse in combination with Gustafsson as applied to claims 1-3, 22, and 23 are above, and further in view of Vassiliadis et al. Vassiliadis et al teach the desirability of employing an interlock on a filter. It would have been obvious to the artisan of ordinary skill to employ an interlock on the filter in the devices of Eckhouse or Gustafsson since this would provide a safer device, thus producing a device such as claimed.

Applicant's arguments with respect to claims 1-3, 8, 10-15, 18, and 22-25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to David Shay at telephone number 308-2215.



Shay/DI

December 16, 2003

DAVID M. SHAY
PRIMARY EXAMINER
GROUP 330